

JPS

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

**AMENDED COMPLAINT**

(for filers who are prisoners without lawyers)

2024 JAN 30 P 2:49

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

CLERK OF COURT

(Full name of plaintiff)

Erin Schweitzer

v.

Case Number:

(Full name of defendant(s))

1:23-cv-01381-JPS

(to be supplied by Clerk of Court)

U.S. Marshal Service, et al  
Brown County Jail Facility  
Vital Core Health Strategies

A. PARTIES

1. Plaintiff is a citizen of Illinois, and is located at  
(State)

P.O. Box 5000, Pekin IL 61555 (FPC)  
(Address of prison or jail)

2. Defendant U.S. Marshal Service  
(Name)

is (if a person or private corporation) a citizen of Wisconsin,  
(State, if known)

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and (if a person) resides at 125 S. Jefferson Street - Federal Bld.  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for United States Government  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

This is a civil action authorized by 42  
U.S.C. Section 1983 to redress the deprivation,  
under color of state law, of rights secured  
by the Constitution of the United States. The court  
has jurisdiction under U.S.C. Section 1331 and 1343(a)(3).  
Plaintiff Schweitzer seeks declaratory relief pursuant to  
28 U.S.C. Section 2201 and 2202. Plaintiff Schweitzer claims  
for injunctive relief are authorized by 28 U.S.C. Sections  
2283 and 2284 and Rule 165 of the Federal Rules of  
Civil Procedure.

The Eastern District of Wisconsin is an appropriate

venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

- Plaintiff Schweitzer is and was at all times mentioned herein a prisoner of the United States Government in the custody of Brown County Jailing Facility located at 3030 Curry Lane, Green Bay, WI 54311.
- Plaintiff Schweitzer is currently in custody of Pekin Federal Womens Camp located in Pekin, IL.
- Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint, each defendant acted under the color of state law, with deliberate indifference, and in violation of the cruel and unusual punishment; for medical negligence and beyond harsh conditions represented under the Eighth Amendment of the United States Constitution.
- At all times in this complaint, Plaintiff Schweitzer was housed at Brown County Jail.
- Plaintiff Schweitzer would like to introduce a number of exhibits that coincide and support the claims within this complaint.

- Exhibit A: Time line of events experienced by Plaintiff Schweitzer including messages, phones calls, medical requests, general request, and grievances which were transcribed for Plaintiff Schweitzer mother to create record of events.
- Exhibit B: Court transcripts dated 1-17-2023 not only acknowledging Plaintiff Schweitzer serious medical need for treatment, but ordering adequate treatment medically be necessitated by both the U.S. Marshal and Brown County Jailing Facility mere hours before emergency hospitalization.
- Exhibit C: Vital Core Strategies Medical records for Plaintiff Schweitzer from 1-16-2023 through 2-9-2023.
- Exhibit D: Aurora Bay Care Medical Records of emergency hospitization and treatment for Plaintiff Schweitzer on 1-18-2023.
- Defendant U.S. Marshals did violate the cruel and unusual punishment clause for negligently placing Plaintiff Schweitzer in an unsafe environment without



assuring medical treatment for her guaranteed under the Eighth Amendment of the United States Constitution and caused Plaintiff Schweitzer pain, suffering, physical injury, and emotional distress.

- Defendants Brown County Jail Correctional Staff contributed to the violation of cruel and unusual punishment clause of medical negligence as well as an unsafe environment for a pre-trial detainee guaranteed under the Eighth Amendment of the Constitution of the United States from 1-13-2023 through 3-21-2023, Causing Plaintiff Schweitzer pain, suffering, physical injury, and emotional distress.
- Defendants Vital Core Health Strategies violated the safe guard against cruel and unusual punishment and medical negligence and malpractice guaranteed by the Eighth Amendment of the United States Constitution, contributing and causing Plaintiff Schweitzer pain, suffering, physical injury, and emotional distress.
- Plaintiff Schweitzer has no plain, adequate, or complete

remedy at law to redress the wrongs described herein. Plaintiff Schweitzer has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff Schweitzer seeks.

3. Defendant Brown County Tailing Facility is (if a person or private corporation) a citizen of Wisconsin and (if a person) resides at 3030 Curry Lane, Green Bay WI 54311 and (if the defendant harmed you while doing the defendant's job) worked for the United States Government in housing Federal Pre-trial Detainees.
4. Defendant Vital Core Health Strategies is (if a person or private corporation) a citizen of Wisconsin and (if a person) resides at 3030 Curry Lane, Green Bay, WI 54311 and (if the defendant harmed you while doing the defendant's job) worked for Brown County Tailing Facility Health Services Unit.
5. Brown County Tailing Facilities Employees known to Plaintiff Schweitzer are as follows:
  - Corp. Krings, Correctional Officers Pratt, DuBois, Baker, Klise, Wells, Muaha, and some unknown employed by the Tailing Facility at the dates of the time of this complaint, 1-13-2023 through 3-21-2023.
6. Vital Core Health Strategies contracted Health Services Unit for Brown County Tailing Facility



employees that Plaintiff Schweitzer can recall are as follows:

-Dr. Karanan, Nurses/Med. Cart Pass Employees Cherie Follett, Jessica Dominguez, Kristen Kraus, Brenda Dembinski, Tina Riste, Alesha Kolata, and L. Wimocki.

7. Each Defendant is sued individually and in his official capacity. At all times mentioned in this complaint, each defendant acted under the color of state law.

### FACTS

8. At all times in this complaint, Plaintiff Schweitzer was housed at Brown County Jail Facility located in Green Bay, WI.
9. On 1-17-2023, US Marshals are responsible for the transport and safety of Plaintiff, Schweitzer following court proceedings and establishing that needed medical treatment for a serious medical condition would be made when left in the custody of Brown County Jail.
10. On dates 1-13-2023 through 3-21-2023 the acting employees of Brown County Jail failed to



remedy unlawful conditions they were aware of and failed to carry out their responsibility to make adequate medical care available in a timely manner, leading to Plaintiff Schweitzer being found unresponsive and transported to the Emergency Room at Aurora Bay Care Medical on 1-18-2023 for treatment of serious medical condition. Resulting in substantial harm, pain, suffering, physical injury and disfigurement, and emotional distress.

11. On and after the dates of 1-18-2023 through 3-21-2023 Brown County Jail failed to render adequate medical services by qualified personnel. Failed to provide sanitary supplies adequate equipment, appropriate medications, and facilities appropriate for limited mobility due to injuries incurred from medical neglect by their full time employees and contracted medical company Vital Core Health Strategies.
12. Through the dates of 1-13-2023 and 3-21-2023 Vital Core Health Strategies failed to provide adequate and timely medical treatment for Plaintiff Schweitzer's serious medical condition they were made aware of by in person verbalization.

and electronic medical requests, coupled with Correctional Officers requests.

13. Vital Core Health Strategies held blatant disregard with deliberate indifference ignored request for medical treatment requested by Plaintiff Schweitzer from 1-15-2023 through 3-21-2023 ultimately leading to her emergent hospitalization, pain, suffering, physical injury, disfigurement, and emotional trauma
14. Vital Core Health Strategies was made aware of an allergic reaction to the medication that was being administered by both Plaintiff Schweitzer and Correctional Officers on the evening of 1-18-2023 at which time Plaintiff Schweitzer was given Benadryl. Instead of changing the antibiotic due to the reaction the medical staff insisted on the continued antibiotic even when Plaintiff Schweitzer questioned the feasibility in doing so.
15. During the morning med-pass by Vital Core Health Strategies on 1-19-2023 suffered disciplinary bunk confinement when explaining and questioning about the continued use of the antibiotic with benadryl. While explaining about the rash, the



severity of how swollen her leg was and the pain worsening to the extent of being unable to get her pants on and needed a size 4X in order to get them on over the swelling.

16. On 1-19-2023, Plaintiff Schweitzer sent a medical request and grievance electronically headed and addressed Attn: Corp/Lt/Floor supervisor or whomever need be notified, begging for medical treatment for a severe infection that was progressively getting worse. Plaintiff Schweitzer explained the symptoms detailing the following: "The wound area has nearly tripled in size, swelling, and redness. I am having sharp radiating, throbbing and pulsating pains throughout my entire leg into my buttocks and pelvic area, my femoral glands are swollen and sensitive to touch both of my arm/hands are going numb and tingling. I have a rash all of my body, am having sporadic chest pains, am lightheaded, my vision blurry with bright flashes."
17. On 1-19-2023 Plaintiff Schweitzer was called to Hsu to evaluate her condition. Two nurses, Alesha Kolata and Jessica Dominguez, were over heard by Plaintiff Schweitzer, that they "needed to hurry



up and see her because she has a call from her federal attorney." When Plaintiff Schweitzer was instructed to go into an exam room she was told, "there was nothing wrong with her" as they ripped off a make-shift bandage she and another inmate applied with toilet paper and small band-aids to keep it in place. They proceeded to draw a circle around the inflamed area with permanent marker and without sterilizing, washing the area, or adequately assessing the infection re-applied the same dirty, used bandage.

18. On 12/19-2023, Plaintiff Schweitzer was being escorted from HSH to her housing Pod by an unknown Correctional Officer at which time she tried to explain she was lightheaded, dizzy, and seeing spots. She was directed to hold the Officer's arm for assistance but was unable to make it back to her Pod, lost consciousness and woke up in Punitive Segregation for medical observation later that evening. Unfortunately, the entire time Plaintiff Schweitzer was in punitive segregation "med-obs" she was not rendered even a minimal amount of medical treatment from



1-19-2023 through 1-25-2023 when she requested to be put back in general population Plaintiff Schweitzer was given wound care, proper supplies for self wound care, equipment to assist with wound care, or clean laundry for the majority of the time she was kept there.

19. On 1-25-2023 Plaintiff Schweitzer begged to be put into general population knowing she would at least at that point have someone to buzz for an emergency. Plaintiff Schweitzer was having an allergic reaction that was visibly getting worse, but was told to put it on the tablet by Correctional Officers. She was itchy with red blotches all over her body, was experiencing swelling of her face, and difficulty breathing, which progressed into chest pains, burning and stinging. Finally after approximately 5-6 hours she was given benadryl. The medical staff continually twice a day tried to administer the same antibiotic she reacted to when Plaintiff Schweitzer explained she was not comfortable taking that antibiotic with the addition of benadryl she was put into refusal instead of given a more appropriate and effective medicine.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff is different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Prayer For Relief: Wherefore Plaintiff Schweitzer respectfully prays that this court enter judgment:

1. Granting Plaintiff Schweitzer a declaration that the acts and omissions described herein violate her right under the Constitution and laws of the United States, and
2. A preliminary and permanent injunction ordering defendants U.S. Marshal, Brown County Jail Employees, and Vital Core Health Strategies to cease cruel and unusual punishment with medical negligence guarant  
under the Eighth Amendment of the United States.
3. Granting Plaintiff Schweitzer compensatory damages in the amount of \$50,000.00 against each defendant jointly and severally.



4. Plaintiff Schweitzer in addition seeks nominal and punitive damages in the amount of \$50,000.<sup>00</sup>. Plaintiff Schweitzer seeks damages against each defendant jointly and severally.

5. Plaintiff Schweitzer also seeks recovery of the cost in this suit and any additional relief this court deems just, proper equitable.

#### Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Pekin, IL on 1-18-2024

Erin D. Schweitzer

#16990089

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 18<sup>th</sup> day of January 2024.

Respectfully Submitted,

Erin D. Schweitzer  
Signature of Plaintiff

# 16990089  
Plaintiff's Prisoner ID Number

Pekin Womens Federal Prison Camp  
P.O. Box 5000 Pekin IL 61555  
(Mailing Address of Plaintiff)

Attention: To Whom It May Concern

I would also humbly request any other matter with reference to this claim be stamped with "Legal Mail" as to see fit I receive them in a timely manner.

I did not receive notice of this second amended complaint until 1-12-2024 with the postmark of 1-2-2024. After receipt I prepare this as quickly and adequately as I could in the time allotted. Thank you. Respectfully

Erin Schweitzer  
16990089

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